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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,817	02/05/2004	Brian Yu	MAT 3K2	8268

23581 7590 12/12/2005

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EXAMINER
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MENDIRATTA, VISHU K

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 12/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

6

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/773,817	YU ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Vishu K. Mendiratta	3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/17/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. Claims 1-3,5-9 rejected under 35 U.S.C. 102(b) as being anticipated by Bryson (5607159).

Claims 1-3,5-9: Bryson teaches game pieces adapted to indicate directional (symbols)and alignment indicia (color) on both opposite faces (11:61-12:6).

2. Claims 1-19 rejected under 35 U.S.C. 102(b) as being anticipated by May (4739992).

May teaches a playing surface (1) with spaces (2) and game pieces with directional indicia (25) and reversible by identification due to color (1:42-47).

May also teaches a method of playing whereby arranging game pieces on the game board (Fig.5-6), comparing (capturing) and flipping over the opponent piece to change the color (3:51-59)

3. Claims 1-3,5-9,19 rejected under 35 U.S.C. 102(b) as being anticipated by Denoual (6446969).

Claims 1,3,5,7-9,19:Denoual teaches a plurality of moveable pieces (12) having alignment indicia (black and white colors) on opposite sides, directional indicia (12w,12b white and black rings), a playing surface marked for spaces (Fig.1A) in a grid and spaces adjacent. Game pieces reversed to change the directional indicia for a different player from black to white (abstract).

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Claims 2, 6: Denoual teaches variations in aesthetics of the game (10:24-36) including shape, size, material and indicia graphics. Denoual teaches a flat surface on top of pieces. Denoual in this manner teaches aesthetic variation of game pieces.

4. Claims 10-16,18 rejected under 35 U.S.C. 102(b) as being anticipated by Denoual (6446969).

Claim 10,13,14: Denoual teaches a plurality of moveable pieces (12) having alignment indicia (black and white colors) on opposite sides, directional indicia (12w,12b white and black rings), a playing surface marked for spaces (Fig.1A) in a grid and spaces adjacent.

Denoual teaches arranging game pieces on the board (Fig.1) and manipulating (capturing) an opponent game pieces by reversing to change the directional indicia for a different player from opponent piece to own piece.

Claim 11: Only one side of the piece visible when placed on board (Fig.1).

Claim 12,15,16,18: Game pieces moving on empty spaces according to the direction on game pieces (Fig.13,14).

***Claim Rejections - 35 USC § 103***

5. Claims 4, 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Denoual in view of May (4739992).

Denoual teaches all limitation including variations in aesthetics/indicia on game pieces. However the applicant might argue that Denoual does not expressly indicate a directional indicia on a game piece as arrow.

May teaches arrows on game pieces for direction (25).

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Whereas any kind of indicia can be used for direction, an arrow more clearly indicates the direction. For the purpose of indicating direction without any confusion, it would have been obvious to use an arrow as indicia.

One of ordinary skill in art at the time the invention was made would have used arrows as indicia on pieces.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 6109609,4778188,4715605,4299391.

***Response to Arguments***

7. Applicant's arguments filed 10/3/05 have been fully considered but they are not persuasive. "adapted to indicate/represent" limitation is intended use and the indicia on Denoual game pieces can be use to indicate/represent similar features.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishu K. Mendiratta whose telephone number is (571) 272-4426. The examiner can normally be reached on Mon-Fri 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571) 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vishu K Mendiratta  
Primary Examiner  
Art Unit 3711

A handwritten signature in black ink, appearing to be 'VKM', with a long horizontal stroke extending to the right.

VKM  
December 5, 2005